

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of

Amendment of Section 73.202(b)

Table of Allotments,

FM Broadcast Stations.

(Coupeville and Sequim, Washington)

MB Docket No. 04-280

RM-11037

RM-11117*

REPORT AND ORDER
(Proceeding Terminated)

Adopted: February 15, 2006

Released: February 17, 2006

By the Assistant Chief, Audio Division, Media Bureau:

1. The Audio Division has before it a *Notice of Proposed Rule Making*¹ issued in response to a petition for rule making filed by Dana J. Puopolo (Petitioner), requesting the allotment of Channel 266A at Coupeville, Washington as a first local aural transmission service (RM-11037). Petitioner filed comments stating his continuing interest in pursuing the allotment, and his intention to apply for a construction permit if the channel is allotted. Plan 9 Broadcasting ("Plan 9") timely filed a counterproposal proposing to allot Channel 266A at Sequim, Washington as a first local FM aural transmission service (RM-11117*).² There were no other counterproposals or additional comments received in response to the above-listed docket.

2. Conflicting proposals are considered on a comparative basis consistent with the FM allotment priorities set forth in *Revision of FM Assign Policies and Procedures*³ where no alternate channels are available. We find that no comparison is needed in this instance. A staff engineering analysis has determined that Channel 237A at Sequim, Washington is available as an alternate channel to Plan 9's counterproposal for Channel 266A at Sequim. We find that Sequim is a community for allotment purposes and that the public interest would be served by allotting Channel 237A as a first local FM service.⁴ Channel 237A can be allotted to Sequim consistent with the Commission's minimum distance separation requirements at 48-07-12 North Latitude and 123-04-20 West Longitude with a site restriction of 4.9 kilometers (3.1 miles) northeast of the community. Canadian concurrence has been obtained.

3. Since the conflict has been resolved, we find that the public interest also would be served by allotting Channel 266A at Coupeville, Washington, as a first local service.⁵ The proposed reference coordinates are 48-18-00 North Latitude and 122-42-00 West Longitude consistent with the

¹ See *Harrisonburg, Louisiana, et al.*, 19 FCC Rcd 13858 (MB 2005) ("Notice of Proposed Rule Making") (The instant Report and Order disposes of one docket in this multiple docket Notice of Proposed Rule Making.).

² The counterproposal was placed on Public Notice on November 24, 2004, Report No. 2683, (RM-11117*).

³ 90 FCC 2d 88, 92 n.8 (1982).

⁴ Sequim is an incorporated city with a 2000 U.S. Census population of 4,334 persons.

⁵ Coupeville is an incorporated town with a 2000 U.S. Census population of 1,723 persons.

Commission's minimum distance separation requirements with a site restriction of 9.5 kilometers (5.9 miles) north of the community. Canadian concurrence has been obtained. The Commission will send a copy of this Report and Order in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, *see* 5 U.S.C. Section 801(a)(1)(A).

4. Accordingly, pursuant to the authority found in 47 U.S.C. Sections 4(i), 5(c)(1), 303(g) and (r) and 307(b) and 47 C.F.R. Sections 0.61, 0.204(b) and 0.283, IT IS ORDERED, That effective, April 3, 2006, the FM Table of Allotments, 47 C.F.R. Section 73.202(b), IS AMENDED for the community listed below, as follows:

<u>Community</u>	<u>Channel No.</u>
Coupeville, Washington	266A
Sequim, Washington	237A

5. A filing window period for Channel 266A at Coupeville, Washington and Channel 237A at Sequim, Washington will not be opened at this time. Instead, the issue of opening these allotments for auction will be addressed by the Commission in a subsequent order.

6. IT IS FURTHER ORDERED, That the aforementioned proceeding IS TERMINATED.

7. For further information concerning this proceeding, contact Helen McLean, Media Bureau, (202) 418-2738.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos
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Audio Division
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